



January 25, 2002

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## SENATE BILL No. 100

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DIGEST OF SB 100 (Updated January 22, 2002 12:47 PM - DI 71)

**Citations Affected:** IC 16-33.

**Synopsis:** Soldiers' and Sailors' Children's Home. Eliminates the requirement that the superintendent of the home be an honorably discharged veteran. Establishes a preference for the appointment of an honorably discharged veteran when at least two candidates otherwise meet the requirements for appointment. Eliminates the admissions committee for the home and allows the superintendent to decide whether to admit a child to the home with the approval of the state health commissioner.

**Effective:** Upon passage.

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### Jackman, Paul, Kenley

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January 7, 2002, read first time and referred to Committee on Public Policy.  
January 24, 2002, amended, reported favorably — Do Pass.

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SB 100—LS 6289/DI 102+



January 25, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 100

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-33-4-7 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) Except as**  
3       **provided in subsection (b),** the superintendent of the home shall be  
4       appointed in the manner prescribed by law and must meet all of the  
5       following conditions:

6               ~~(1) Have served in and been honorably discharged from the armed~~  
7               ~~forces of the United States.~~

8               ~~(2)~~ **(1)** Be a teacher licensed by the state or have at least a  
9               baccalaureate degree from an accredited college or university in  
10              a field related to education or child growth and development.

11              ~~(3)~~ **(2)** Have experience working with children.

12              ~~(4)~~ **(3)** At the time of appointment, be a resident and citizen of  
13              Indiana.

14              ~~(5)~~ **(4)** Have other qualifications as required by the state health  
15              commissioner.

16       **(b) When at least two (2) candidates meet the conditions listed**  
17       **in subsection (a), the state health commissioner shall give**

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1 preference to individuals who have been honorably discharged  
 2 after service in the armed forces of the United States in appointing  
 3 a candidate to the position of superintendent of the home.

4 SECTION 2. IC 16-33-4-11 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After  
 6 consideration of appropriateness of placement by an admissions  
 7 committee that consists of:

- 8 (1) an adequate investigation as determined by the
- 9 superintendent of the home or the superintendent's designee,
- 10 (2) the state health commissioner or the commissioner's designee;
- 11 and
- 12 (3) the superintendent of the department of education or the
- 13 superintendent's designee; and
- 14 (4) the secretary of family and social services or the secretary's
- 15 designee;

16 including consideration of appropriateness of placement, and with  
 17 the approval of the state health commissioner or the  
 18 commissioner's designee, the superintendent of the home shall receive  
 19 as a resident in the home a child if the child meets the requirements  
 20 under subsection (b).

21 (b) Before the child may be received as a resident in the home under  
 22 subsection (a) the child must meet the following requirements:

- 23 (1) The parent or parents of the child are Indiana residents
- 24 immediately before application or the child is physically present
- 25 in Indiana immediately before application.
- 26 (2) The child is at least three (3) years of age but less than
- 27 eighteen (18) years of age.
- 28 (3) The child is in need of residential care and education.

29 (c) If the applications of all children of members of the armed forces  
 30 have been considered and space is available, the superintendent of the  
 31 home may, ~~subject to this section, recommend for admission if a child~~  
 32 **meets the requirements under subsection (b), receive as residents**  
 33 **in the home** the:

- 34 (1) grandchildren;
- 35 (2) stepchildren;
- 36 (3) brothers;
- 37 (4) sisters;
- 38 (5) nephews; and
- 39 (6) nieces;

40 of members of the armed forces who are in need of residential care and  
 41 education.

42 (d) If the applications of all children eligible for residence under



1 subsections (a) through (c) have been considered and if space is  
2 available, the superintendent ~~shall~~ **may** accept for residence children  
3 referred:

4 (1) by the division of family and children established by  
5 IC 12-13-1-1; or

6 (2) by the division of special education established by  
7 IC 20-1-6-2.1;

8 subject to **an adequate investigation as determined by the**  
9 **superintendent of the home or the superintendent's designee,**  
10 **including a consideration of appropriateness of placement, by the**  
11 **admissions committee under subsection (a); and the approval of the**  
12 **state health commissioner or the commissioner's designee.**

13 SECTION 3. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Paul be added as second author of Senate Bill 100.

JACKMAN

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SENATE MOTION

Mr. President: I move that Senator Kenley be added as coauthor of Senate Bill 100.

JACKMAN

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 16-33-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After consideration of appropriateness of placement by an admissions committee that consists of:

- (1) an adequate investigation as determined by the superintendent of the home or the superintendent's designee,
- (2) the state health commissioner or the commissioner's designee; and
- (3) the superintendent of the department of education or the superintendent's designee; and
- (4) the secretary of family and social services or the secretary's designee;

**including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee,** the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

- (1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.
- (2) The child is at least three (3) years of age but less than eighteen (18) years of age.
- (3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, ~~subject to this section, recommend for admission if a child meets the requirements under subsection (b),~~ **receive as residents in the home** the:

- (1) grandchildren;
- (2) stepchildren;
- (3) brothers;
- (4) sisters;
- (5) nephews; and
- (6) nieces;

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of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent ~~shall~~ **may** accept for residence children referred:

(1) by the division of family and children established by IC 12-13-1-1; or

(2) by the division of special education established by IC 20-1-6-2.1;

subject to **an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, by the admissions committee under subsection (a), and the approval of the state health commissioner or the commissioner's designee."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 100 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 4.

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